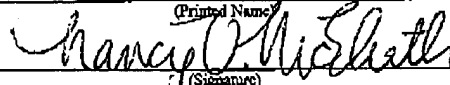


JUL 18 2005

Atty. Dkt. No. 071949-2404

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Kenneth F. Buechler, et al.  
Title: HYBRID PHTHALOCYANINE  
DERIVATIVES AND THEIR  
USES  
Appl. No.: 09/776,599  
Filing Date: 2/1/2001  
Examiner: Jon D. Epperson  
Art Unit: 1639

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.  Nancy V. McElrath (Printed Name)  (Signature)  July 18, 2005 (Date of Deposit)
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**TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Your Petitioner, Biosite, Inc., having its principal place of business at 11030 Roselle Street, Suite D, San Diego, CA 92121, represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application Serial No. 09/776,599, filed 2/1/2001, which continuation of U.S. Patent Application No. 08/620,597, filed 3/22/1996, by virtue of an Assignment recorded on 07/25/1996, on Reel/Frame 8112/0588, in the United States Patent and Trademark Office. Further, your Petitioner represents that it is the owner of U.S. Patent No. 6,251,687, which issued on U.S. Patent Application No. 08/409,298, filed 3/23/1995 by virtue of an Assignment recorded on 09/28/1994, on Reel/Frame 7564/0853, in the United States Patent and Trademark Office.

Your Petitioner, Biosite, Inc., hereby disclaims the terminal part of the term of any patent granted on the above-captioned patent application which would extend beyond the full statutory term, as shortened by any terminal disclaimer, of U.S. Patent 6,251,687, and hereby

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agrees that any patent so granted on the above-captioned patent application shall be enforceable only for and during such period that the legal title to U.S. Patent 6,251,687 shall be the same as the legal title to any patent granted on the above-captioned patent application, this agreement to run with any patent granted on the above identified patent application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the above-captioned patent application, prior to the full statutory term of U.S. Patent 6,251,687 as defined in 35 U.S.C. §§154-156 and 173, in the event that U.S. Patent 6,251,687 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC §154, prior to the full statutory term of U.S. Patent 6,251,687 as defined in 35 USC §§154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on the above-captioned patent application that would extend beyond the present termination of U.S. Patent 6,251,687, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or 156, and without waiving Petitioner's right to extend the term of a patent granted on the above-captioned patent application to the extent provided by law.

The undersigned, being the Attorney of Record for the above identified patent application, and duly authorized to act on behalf of Petitioner, certifies that he has reviewed the Assignments, and to the best of his knowledge and belief, legal title to the above identified patent application and U.S. Patent 6,251,687 rests with Petitioners, Biosite, Inc.. The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with

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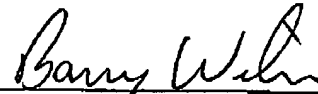
the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Date July 18, 2005

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By



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